

Senate Bill No. 1400

CHAPTER 278

An act to amend Section 76030 of the Education Code, relating to community colleges.

[Approved by Governor August 25, 2014. Filed with
Secretary of State August 25, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1400, Hancock. Community colleges: protective orders.

Existing law provides authority for a governing board, the president of a community college, or the president's designee, or an instructor to suspend a student for good cause. Existing law authorizes the governing board to expel a student for good cause when other means of correction fail to bring about proper conduct, or when the presence of the student causes a continuing danger to the physical safety of the student or others. Existing law requires the suspension or expulsion of a student to be accompanied by a hearing as provided.

This bill would provide that, if good cause for the issuance of an order, requested by a community college district, to protect a campus of the district, or any person regularly present on a campus of the district, is issued by a court against a student of that district, and prevents that student from attending classes and maintaining his or her academic standing, the district may require the student to apply for reinstatement after the expiration of that order. If the district requires the student to apply for reinstatement, the bill would require the district to do so before the expiration of the protective order. The bill would require a review with respect to the application to be conducted at the request of the student. The bill would require the review to include consideration of specified issues. The bill would require, after the review, that the governing board or the person to whom the governing board delegates this authority deny reinstatement, permit reinstatement, or permit conditional reinstatement, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 76030 of the Education Code is amended to read:

76030. (a) Consistent with requirements of due process of law, with this article, and with the rules of student conduct adopted by the governing board under Section 66300, the governing board, the president of a community college or the president's designee, or an instructor shall suspend a student for good cause. In addition, the governing board is authorized to expel a student for good cause when other means of correction fail to bring

about proper conduct, or when the presence of the student causes a continuing danger to the physical safety of the student or others. The suspension or expulsion of a student shall be accompanied by a hearing conducted pursuant to the requirements of Section 66017.

(b) (1) Notwithstanding any other law, if good cause for the issuance of an order, requested by a community college district, to protect a campus of a community college district, or any person regularly present on a campus of that district, is issued by a court against a student of that community college district, and prevents that student from attending classes and maintaining his or her academic standing, the community college district may require the student to apply for reinstatement after the expiration of that order. If the district requires the student to apply for reinstatement, it shall do so before the expiration of the protective order. If a student applies for reinstatement under this paragraph, a review with respect to the application shall be conducted. This review, at a minimum, shall include consideration of all of the following issues:

- (A) The gravity of the offense.
- (B) Evidence of subsequent offenses, if any.
- (C) The likelihood that the student would cause substantial disruption if he or she is reinstated.

(2) The governing board of the community college district, or the person to whom authority is delegated pursuant to subdivision (f) of Section 76038, shall take one of the following actions after conducting a review under paragraph (1):

- (A) Deny reinstatement.
- (B) Permit reinstatement.
- (C) Permit conditional reinstatement, and specify the conditions under which reinstatement will be permitted.